

**ENTERED**

November 01, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

DAVID ALLEN HAVERKAMP,

Plaintiff,

VS.

LANNETTE LINTHICUM, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:17-CV-00018

**ORDER GRANTING DEFENDANTS' MOTION TO STAY,  
DENYING PLAINTIFF'S MOTION FOR ORAL ARGUMENT, AND  
SETTING A BRIEFING SCHEDULE FOR FILING A REPLY AND SUR-REPLY**

Pending before the Court is Defendants' Motion to Stay all Proceedings Pending Resolution of their Motion for Judgment on the Pleadings Asserting Sovereign Immunity and Motion for Summary Judgment. (D.E. 337). Plaintiff opposes this motion. (D.E. 339). On this day, November 1, 2023, the undersigned conducted a Zoom video conference to hear further argument on Defendants' motion to stay.

On June 1, 2023, the undersigned issued a scheduling order setting forth that dispositive motions were due on or before October 6, 2023, and that responses to the dispositive motions were due thirty days thereafter. (D.E. 324, p. 1). The scheduling order further set a Docket Call to occur on November 14, 2023. (*Id.* at 2). On October 6, 2023, Defendants timely filed their Motion for Judgment on the Pleadings (D.E. 329) and Motion for Summary Judgment (D.E. 330). Plaintiff's response to these motions, therefore, is due on or before Monday, November 6, 2023.

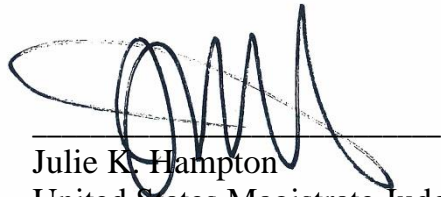
Defendants move the Court to stay all proceedings – including the Docket Call set for November 14, 2023 – pending a ruling on their dispositive motions. (D.E. 337). Pursuant to District Judge Drew B. Tipton’s Court Procedure 17, Docket Calls “may serve as the final pretrial conference” and parties must come “[p]repare[d] to address all objections to pretrial filings.” The referenced “pretrial filings” include exhibits lists, witness lists, deposition designations, motions *in limine*, proposed *voir dire* questions, and proposed jury charges. *See* Judge Tipton’s Court Procedure 19. Defendants argue that granting a motion to stay would relieve them of such a “burden of litigation” while issues associated with their entitlement to sovereign immunity remain unresolved. (D.E. 337, p. 4). Defendants further argue that the requested stay would allow time for the Court to establish the claims and parties left after consideration of the pending dispositive motions, if any, before turning to pretrial matters. (*Id.*).

Plaintiff opposes Defendants’ motion, contending that no additional deadlines exist other than the Docket Call set for November 14, 2023. (D.E. 339). Plaintiff also requests that oral argument on the pending dispositive motions take place during the Docket Call in addition to discussion of pretrial matters. (*Id.*). Plaintiff repeated this request at the Zoom video conference. Defendants oppose Plaintiff’s request for oral argument.

Upon consideration of the parties’ respective arguments, Defendants’ motion (D.E. 337) is **GRANTED** to the extent that the November 14, 2023 Docket Call and all related pretrial matters, as referenced in Judge Tipton’s Court Procedures, are **STAYED** pending a ruling on Defendants’ dispositive motions (D.E.’s 329 & 330).

The undersigned further **DENIES** as unnecessary Plaintiff's opposed motion requesting oral argument on the pending dispositive motions (D.E. 339). As mentioned above, Plaintiff's response to the dispositive motions is due on or before Monday, November 6, 2023. At the Zoom video conference, counsel for Defendants indicated that they would file a reply brief. Accordingly, Defendants shall have on or before **Monday, November 20, 2023** to file a reply brief to Plaintiff's response. Plaintiff, in turn, shall have on or before **Monday December 4, 2023** to file a sur-reply brief. No requests to file additional responses or replies will be granted.

ORDERED on November 1, 2023.



Julie K. Hampton  
United States Magistrate Judge